

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Amanda Rindal, *Sui Juris*

Plaintiff,

vs.

GURSTEL LAW FIRM, P.C., CHAD F.
KOWALEWSKI, AMY M. GOLTZ,
BETHANY A. GROSS, and CRISTIAN
B. MIRANDA,

Defendants.

JOINT RULE 26(f) REPORT

Civil No. 2:23-CVP-01228-LA

District Judge Lynn Adelman

Plaintiff Amanda Rindal ("Plaintiff") and Defendants Gurstel Law Firm, P.C., Chad F. Kowalewski, Amy M. Goltz, Bethany A. Gross, and Cristian B. Miranda (collectively "Defendants"), through counsel, respectfully submit this Joint Rule 26(f) Report ("Report"). A telephonic scheduling conference is scheduled for **December 27, 2023, at 9:30 a.m. Central Time**. Amanda Rindal, telephone number 262-617-3908 will appear on her behalf, *pro se*, Chad Kowalewski, telephone number 512-649-4022, will appear on behalf of Defendants.

Plaintiff and Defendants counsel corresponded on December 6 and 8, 2023 regarding the matters set forth in Fed. R. Civ. P. 26. The Parties have had the opportunity to review and consent to the filing of this Report.

1. Nature of the Case. Plaintiff contends that Defendants have violated the Fair Debt Collection Practices Act and have no authority to pursue a state court action against Plaintiff for an alleged debt on behalf of another party, and that Defendants are using

fraud in the inducement to force or trick Plaintiff to participate into a state court action, and that Defendants have obtained, are in possession of, and disclosed Plaintiff's private and sensitive information relating to a consumer credit transaction without Plaintiff's express written consent (identity theft), and Defendants are using Plaintiff's private information for unjust enrichment and commercial gain. Defendants deny all claims.

2. Issues of Jurisdiction or Venue. The Parties agree that venue is proper. Defendants dispute jurisdiction is proper as Plaintiff lacks standing.

3. Related Cases. Plaintiff is a Defendant in a case commenced by Defendants on behalf of their client, Bank of America, N.A., Milwaukee County Circuit Court case, civil number 2023SC015939 ("State Court Collections Case"). A Motion for Summary Judgment in favor of Bank of America, N.A. has been filed and is pending. The State Court Collections case is the matter Plaintiff relies upon for her claims asserted in this matter.

4. Anticipated Amendments to the Pleadings. Plaintiff does not anticipate amending the Complaint. Defendants anticipate filing an Amended Joint Answer if Judgment is entered in favor of Bank of America, N.A. in the underlying State Court Collections case.

5. New Parties. The Parties do not anticipate the addition of new parties.

6. Estimated Trial Length. The Parties anticipate that this matter may be tried in 1 day.

7. Settlement Discussions. The Parties have not discussed settlement to date.

8. Initial Disclosures and Discovery Schedule. Under the Court's Order dated November 17, 2023, initial disclosures are due within 14 days after the Rule 26(f) conference, on January 11, 2023. The Parties agree that discovery may commence on that date.

9. Discovery Cut-Off. The Parties agree that discovery will end 6 weeks before trial.

10. Discovery Requests in Electronic Format. The Parties agree that written discovery requests and proposed findings of fact shall be provided electronically in a form editable by the other party (such as Word).

11. Discovery Limits. The Parties agree to limit the number of depositions to 3, none of which may exceed 7 hours in duration. The Parties agree to limit the number of Interrogatories, Requests for Admissions, and Requests for Production of Documents to 35 each.

12. Admissions and/or Stipulations. The Parties will work cooperatively to make those appropriate stipulations of fact and regarding authenticity of documents to avoid unnecessary proof.

13. Witnesses and Exhibits. The Parties do not anticipate calling expert witnesses. The Parties agree that disclosure of all witnesses and exhibits for trial shall be completed in accordance with the Federal Rules of Civil Procedure and as may be set by the Court.

14. Motions Contemplated. The Parties anticipate filing motions for summary judgment.

15. Motion Schedule. The Parties agree to the following schedule, subject to the Court's approval:

- a. Deadline to move to join other parties: January 15, 2024;
- b. Deadline to move to amend pleadings: April 15, 2024;
- c. Deadline to file dispositive motions: August 30, 2024.

16. Settlement Conference. The Parties agree that alternative dispute resolution ("ADR") is appropriate, and request that the Court Order the Parties to participate in ADR before a magistrate judge on or before May 1, 2024.

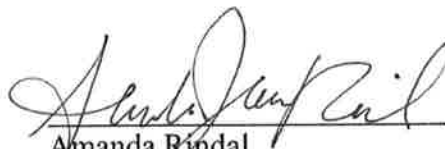
17. Magistrate. The Parties do not consent to the jurisdiction of the Magistrate, except ADR.

18. Trial and Final Pre-Trial Dates. The Parties agree that this matter will be ready for trial on or after January 2, 2025. The Parties agree that they will be prepared for a Final Pre-Trial on or after December 15, 2024.

19. Any Other Matter Affecting the Just, Speedy and Inexpensive Determination. The Plaintiff requests the Court order an in-camera review of Defendants' authority to act on behalf of Bank of America, N.A. as its attorneys in the State Court Collections case. Defendants dispute whether the same is required or appropriate. The Plaintiff has requested an injunction. Defendants contend there is no basis for injunction.

Respectfully submitted,

Dated this 8th day of December 2023.



Amanda Rindal

/s/ Chad F. Kowalewski

Chad F. Kowalewski
Gurstel Law Firm, P.C.
622 North Water Street, Suite 400
Milwaukee, Wisconsin 53202
(512) 649-4022 [Telephone]
(512) 279-0310 [Facsimile]
E-mail: c.kowalewski@gurstel.com

ATTORNEY FOR DEFENDANTS
GURSTEL LAW FIRM, P.C.,
CHAD F. KOWALEWSKI,
AMY M. GOLTZ, BETHANY A.
GROSS, CRISTIAN B. MIRANDA

/s/ Chad F. Kowalewski

Chad F. Kowalewski
Gurstel Law Firm, P.C.
622 North Water Street, Suite 400
Milwaukee, Wisconsin 53202
(512) 649-4022 [Telephone]
(512) 279-0310 [Facsimile]
E-mail: c.kowalewski@gurstel.com

ATTORNEY FOR DEFENDANTS
GURSTEL LAW FIRM, P.C.,
CHAD F. KOWALEWSKI,
AMY M. GOLTZ, BETHANY A.
GROSS, CRISTIAN B. MIRANDA
